

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

IN RE:)	
)	
JAMES CLIFFORD LILLEY)	Case Number: 10-81078
)	
Debtor.)	Chapter 13
)	
JAMES CLIFFORD LILLEY,)	
)	
Plaintiff,)	
)	
v.)	Adv. Proc. No. 10-9110
)	
WELLS FARGO, N.A.; OPTION ONE)	
MORTGAGE LOAN TRUST 2007-5,)	
ASSET BACKED CERTIFICATES;)	
LOAN LEADERS OF AMERICA, INC.;)	
RIGHT-AWAY MORTGAGE INC.;)	
FIDELITY NATIONAL TITLE)	
COMPANY; MORTGAGE ELECTRONIC)	
REGISTRATION SYSTEMS, INC.;)	
AMERICAN HOME MORTGAGE)	
SERVICING, INC.,)	
)	
Defendants.)	

ANSWER OF FIDELITY NATIONAL TITLE COMPANY

Defendant Fidelity National Title Company ["Answering Defendant"] by and through undersigned counsel, hereby answers the Complaint of James Clifford Lilley ["Debtor"] as follows.

Response to Allegations

Defendant responds to the specifically numbered allegations of the Debtor's Complaint as follows:

1. The allegations of paragraph 1 contains conclusions of law and no response is required from Answering Defendant.

2. The allegations of paragraph 2 contain conclusions of law and no response is required from Answering Defendant. Specifically denied that this action by this Debtor in this forum is appropriate in that it seeks relief benefitting only a third party non-debtor.

3. The allegations of paragraph 3 contain conclusions of law and no response is required from Answering Defendant. Specifically denied that this action by this Debtor in this forum is appropriate in that it seeks relief benefitting only a third party non-debtor.

4. Admitted, upon information and belief.

5. Admitted, upon information and belief.

6. Admitted, upon information and belief.

7. Admitted, upon information and belief.

8. Admitted.

9. Admitted, upon information and belief.

10. Admitted, upon information and belief.

11. Answering Defendant is without sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 11, therefore they are denied.

12. Answering Defendant is without sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 12, therefore they are denied.

13. Answering Defendant is without sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 13, therefore they are denied.

14. Answering Defendant is without sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 14, therefore they are denied.

15. Answering Defendant is without sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 15, therefore they are denied.

16. Answering Defendant is without sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 16, therefore they are denied.

17. Admitted that a Deed of Trust was executed on or about December 8, 2006. The Deed of Trust is a writing, and speaks for itself, and contrary allegations are denied. To the extent not admitted the allegations of paragraph 17 for lack of information and belief.

18. Admitted that the Deed of Trust was executed, is in writing, and speaks for itself.

19. Answering Defendant is without sufficient information to form a belief as to the truth or falsity of the allegation in paragraph 19, therefore it is denied.

20. Answering Defendant is without sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 20, therefore they are denied.

21. Answering Defendant is without sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 21, therefore they are denied.

22. Answering Defendant is without sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 22, therefore they are denied.

23. Answering Defendant is without sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 23, therefore they are denied.

24. Answering Defendant is without sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 24, therefore they are denied.

25. Answering Defendant is without sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 25, therefore they are denied.

26. Answering Defendant is without sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 26, therefore they are denied.

27. Answering Defendant is without sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 27, therefore they are denied.

28. Admitted that the Deed of Trust was recorded and the document is in writing, and bears recording stamps that are writings, which speak for themselves, and contrary allegations are denied.

29. To the extent the allegations in paragraph 29 contain conclusions of law no response is required. Denied, upon information and belief, that the referenced Deed of Trust is invalid.

First Additional Defense

Plaintiff's Complaint fails to join a necessary party.

Second Additional Defense

Upon information and belief, Plaintiff's claims are barred by his own fraud, and Answering Defendant asserts the doctrine of unclean hands.

Third Additional Defense

Plaintiff's claims are barred by his own contributory negligence.

Fourth Additional Defense

Answering Defendant reserves the right to amend its Answer to assert such other defenses and/or claims as may be discovered through discovery, or otherwise in this proceeding.

WHEREFORE, having fully answered the Complaint Answering Defendant prays:

1. That Debtor's Complaint be dismissed;
2. The Court deny the relief requested by Debtor;
3. That the costs of this action be assessed against some party other than Answering Defendant, and that Answering Defendant be awarded its attorney's fees if allowed by applicable law; and

4. That Answering Defendant be granted such other and further relief as the Court deems just and proper.

Respectfully submitted this the 29th day of December, 2010.

/s/ William C. Smith, Jr.
William C. Smith, Jr., NCSB # 14199
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664974.23023-L41292

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing *Answer of Fidelity National Title Company* was duly served this day on the following parties by electronic service through the CM/ECF System:

Koury L. Hicks
Law Offices of John T. Orcutt, P.C.
1738 Hillandale Road, Suite D
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Attorneys for Plaintiff

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Servicing, Inc., Servicer for Wells Fargo Bank,
N.A., as Trustee for Option One Mortgage Loan
Trust 2007-5, Asset-Backed Certificates, Series
2007-5 and Wells Fargo Bank, N.A., as Trustee
for Option One Mortgage Loan Trust 2007-5,
Asset-Backed Certificates, Series 2007-5*

Richard M. Hutson, II
Chapter 13 Trustee
P. O. Box 3613
Durham, NC 27702

Michael West
Bankruptcy Administrator
P. O. Box 1828
Greensboro, NC 27402

and by forwarding a copy thereof enclosed in a postage paid envelope deposited in the United States mail, addressed as follows:

Loan Lenders of America, Inc.
c/o Martin Foigelman
Registered Agent
3 Macarthur Place, Suite 650
Santa Ana, CA 92707

Right-Away Mortgage, Inc.
Attn: Managing Agent
10833 Valley View Street, Suite 500
Cypress, CA 90630

Mortgage Electronic Registration Systems
Attn: Managing Agent
1818 Library Street, Suite 300
Reston, VA 20190

James Clifford Lilley
2921 Intercross Road
Durham, NC 27704
Plaintiff/Debtor

Respectfully submitted this the 29th day of December, 2010.

/s/ William C. Smith, Jr.
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